



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Serial No.:

Filed:

Group Art Unit:

Title:

Examiner:

Romano, Jack W. et.al.

10/730,297

12/08/2003

3761

**Method and Apparatus For Converting
Supplies and Reducing Waste**

Michael G. Bogart

**Commissioner For Patents
Alexandria, VA 22313-1450**

Honorable Commissioner:

In response to the detailed Office action dated 03/28/07, please enter into the record in regards to the above identified Patent Application the following:

- Request For Continued Examination under 37 CFR 1.114.
- Amended claims 1-30.
- Formal Written Reply to telephonic interview of 04/18/07 and supplementary telephonic interview dated 04/25/07.

A telephonic interview was conducted on 04/18/07. The office action was discussed. The Applicant recognized and agreed with the Examiner that the allowed subject matter in the last office action was patentable subject matter. The Applicant suggested the possibility of adding the matter of Claim 4a to claim 5 & claim 7. The Examiner said "I don't know if you want to go that narrow." The Applicant mentioned that there are other subject matter related reasons not to go that narrow, but the allowed matter is not a bad patent position, and at the same time mentioned a concern over the Festo issues of narrowing matter to the point of prosecution history estoppel, without the possibility of recapture. The Examiner mentioned that the Applicant had an advantage in the Applicant was a practicing skilled artisan, not a patent attorney, and that Applicant knew the art and could make subject matter arguments and not just legal arguments.

A supplemental telephonic interview was initiated by the Applicant on 04/25/07, who represented Applicant's own error in focusing on patent law, and focusing on the Examiners arguments, in error to the extent that applicant failed to incorporate Applicants artisans experience and skill, and Applicants skill defining common knowledge and common sense in arguing for patentability and against the combination of Goldberg and the instant case. This RCE will be filed to include the undersigned skilled artisans skilled common knowledge and skilled common sense to further argue patentability, for the record with respect to this case, and about the subject matter of the instant